

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09cr44**

<b>CHRISTINA CLARK,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**THIS MATTER** is before the court on petitioner's letter (#25) received by the court on August 5, 2011, and transferred to the undersigned for consideration on September 14, 2011. The court has deemed the letter to be a Motion to Modify Sentence. In that motion, petitioner requests that the court modify the payment which the Bureau of Prisons has initially required her to make during her period of incarceration under the Inmate Financial Responsibility Program, a program in which this court required petitioner to participate while incarcerated. For cause, petitioner has discussed at length the hardship such participation is causing both her and her family. Apparently, the initial amount the BOP is withholding is higher than petitioner anticipated.

The court is, however, without authority to change, alter, or direct the amount the BOP withholds from petitioner's wages under the IFRP while she is incarcerated. Such determination is vested in the sole discretion of the Director of the Bureau of Prisons and his employees and the court understands that it is petitioner's case manager or counselor in BOP who works with her in setting such amount. While this court can afford petitioner no relief, the court will strongly recommend that petitioner work with her case manager on this matter.

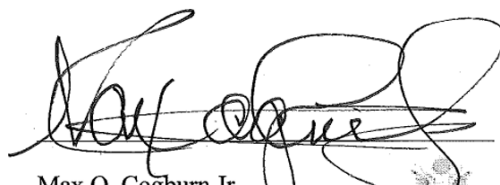
Finally, the court greatly appreciates the very polite and positive tone of petitioner's letter.

**O R D E R**

**IT IS, THEREFORE, ORDERED** that petitioner's letter, deemed to be a Motion to Modify Sentence (#25) is **DENIED**.

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this court declines to issue a certificate of appealability as petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong).

Signed: September 15, 2011

  
Max O. Cogburn Jr.  
United States District Judge